

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua‘i Salary Commission		Meeting Date		July 13, 2017	
Location		Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:03 a.m.		End of Meeting: 9:30 a.m.	
Present		Chair Robert Crowell; Vice-Chair Lenie Nishihira; Members: Daniel Aki, Charles King, Camilla Matsumoto and Jo Ann Shimamoto Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Paula Morikami; Office of the County Attorney: First Deputy County Attorney Matthew Bracken Public testimony: Council Chair Mel Rapozo					
Excused							
Absent							
SUBJECT		DISCUSSION				ACTION	
Call To Order						Chair Crowell called the meeting to order at 9:03 a.m. with six (6) Commissioners present constituting a quorum.	
Approval of Minutes		Chair Crowell called for a motion to approve the Regular Open Session Minutes of April 27, 2017.				Mr. King moved to approve the meeting minutes as circulated. Ms. Matsumoto seconded the motion. The motion carried 6:0.	
Business SC 2017-09		<u>Discussion and decision-making on a request from Council Chair Mel Rapozo to have the salaries in Resolution No. 2017-01 retroactive to take effect on July 1, 2016 (excluding any retroactivity for the Kaua‘i County Council pursuant to Charter Section 29.05). Deferred on April 27, 2017.</u> Chair Crowell noted that at the last Commission meeting, the Commissioners voted unanimously to defer the matter to the July meeting for continued discussion. Mr. King stated that his decision not to grant the request for retroactivity still stands because it’s not the proper thing to do. Vice Chair Nishihira stated she was unable to attend the Commission’s last meeting, but after reading the meeting minutes, she agrees with Mr. King and Ms. Matsumoto that the caps that were recommended, although thoroughly evaluated by the Commission, still did not pass Council.					

SUBJECT	DISCUSSION	ACTION
	<p>Secondly, although only half of the positions received salary increases and the other half did not, it was an appropriate decision, especially when those positions did not receive any increases since 2008.</p> <p>Mr. Aki asked why the Commission would want to consider the request for retroactivity when the resolution was denied by Council the first time. Ms. Shimamoto stated that the matter was placed on the agenda on a request by Council Chair Mel Rapozo. Mr. Aki commented that it's an unfortunate situation but granting the retro would set bad precedence to which Ms. Shimamoto agreed.</p> <p>With no further comments from the Commissioners, Chair Crowell opened the floor for public testimony.</p> <p>Council Chair Rapozo testified that he knows where the votes are heading but for him, what this all comes down to is there's a legislative branch and an executive branch. He doesn't blame the Salary Commission. He blames the Council for trying to manipulate the process in an attempt to get some of the increases. However, when it comes to the County Clerk and Deputy County Clerk, he considers those positions as department heads because they serve the same important functions similar to the administrative side so for him, they both deserve to have their salaries retroactive. He stressed that for all intents and purposes, all he's trying to do is make things equal. Some of the Councilmembers used the cliché <i>half of something is better than nothing</i> as their rationale, but in doing so, they inadvertently excluded the Council's own department heads. At the end of the day, he'll accept the Commission's decision and appreciates all of the work the Salary Commission has done in the past and present.</p> <p>Ms. Shimamoto noted that if she recalls back in 2009, a presentation was made on the scope of work for the County Clerk and the Deputy County Clerk and as a result, they were the only ones that received increases. Council Chair Rapozo stated if his memory serves him right, the increases</p>	

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	<p>were to bring parity relative to the administrative side, but there was never a situation where the legislative side received an increase that placed them higher than the administrative side.</p> <p>Expounding upon Ms. Shimamoto’s earlier notation relative to the salary increases, Ms. Morikami stated that the Salary Commission adopted a resolution in 2009 that was supposed to give salary increases for a span of three (3) years, but due to the financial hardship the County faced resulting from the severe global economic downturn, Mayor Carvalho wrote a letter to the Salary Commission asking the Commission to defer any proposed salary increases for himself and his department heads until December 1, 2011. However, the Mayor had no jurisdiction over the County Clerk, Deputy County Clerk, County Auditor and the Councilmembers, so all of those positions received increases, which is what cause the disparity. Six (6) years later, there were still no increases until two (2) years ago.</p> <p>Vice Chair Nishihira commented that for eight (8) years, those positions benefited by getting increases when no else did, and as a certified public accountant, the numbers will clearly show that those positions (for eight (8) years) were at a higher income level while the rest of the positions had their salaries frozen at the 2008 level.</p> <p>With no further discussion, Chair Crowell called for a motion. Mr. King asked for clarification on what the appropriate motion would be to which First Deputy County Attorney Bracken replied the motion could be to either approve the retroactivity of the salary increases, receive the request (which would essentially kill it), or defer taking any action on the matter indefinitely. Mr. King stated that he’ll make the motion.</p> <p>With no further discussion, Chair Crowell moved on to item SC 2017-10.</p>	<p>Mr. King moved to consider making the salaries in Resolution 2017-1 retroactive to take effect on July 1, 2016. Mr. Aki seconded the motion.</p> <p>Chair Crowell called for the vote.</p> <p>Jo Ann Shimamoto: Nay Camilla Matsumoto: Nay Charles King: Nay Daniel Aki: Nay Vice Chair Nishihara: Nay Chair Crowell: Nay</p> <p>The motion failed.</p>

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SC 2017-10	<p><u>Discussion on the 2018 Salary Resolution.</u></p> <p>To clarify, Ms. Morikami explained that she asked Chair Crowell if he could place the matter on the agenda because the Commission needs to start thinking about the 2018 Salary Resolution which, by Charter, should be submitted to the County Council no later than March 15, 2018. She stated to help the Commission prepare for the process, she went ahead and asked Human Resources Director Janine Rapozo if she could inquire with her HR counterparts on the other three (3) islands for a list of salaries pertaining to the Mayor, Department Heads, County Clerk, Deputy County Clerk, and Councilmembers for FY 2017-2018. In addition, she also asked Ms. Rapozo if she could provide a breakdown of all of the collective bargaining increases that are being proposed/approved for the current fiscal year.</p> <p>Mr. King asked Council Chair Rapozo what would be an appropriate time for the Salary Commission to submit a new resolution. He asked because in the past, the Salary Commission either submitted a resolution too early or too late.</p> <p>Council Chair Rapozo replied he remembers there was a disagreement between the Office of the County Attorney and two Councilmembers regarding the meaning of terms <i>shall</i> versus <i>may</i> which turned into a legal battle. Ideally, the Commission should submit the resolution by the first of the year because it will give the Council time to do some vetting and it would also give the Administration a chance to address the increases before the March 15th deadline.</p> <p>Ms. Matsumoto asked whether or not the Commission should submit a longer version before the split happened, and if yes, should the Commission go back to its original resolution to which Chair Crowell replied he thinks the Commission can, but it's up for discussion.</p> <p>Mr. Bracken stated whatever the Commission decides on is okay with him, but as a suggestion, the Commissioners could do one of three things: 1) Split the resolution into two parts; 2) take each salary one at a time; or 3) take it all together. Mr. King asked if it's okay with the Chair, he would</p>	

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	<p>like to work on updating his excel spreadsheet and once he's done entering all of the new data, he could email the spreadsheet to Mercedes for distribution to the Commissioners to which Chair Crowell replied that would be great.</p> <p>With no further discussion, Chair Crowell called for a motion to receive the information on the various salary schedules for elected and appointed officials, attorneys for the City and County of Honolulu, Maui County and Hawai'i Island County that was provided to the Commissioners by Human Resources Director Janine Rapozo.</p> <p>Chair Crowell noted that he would defer item SC 2017-10 to the next Commission meeting to which the Commissioners agreed.</p>	<p>Vice Chair Nishihira moved to receive the information that was provided by the HR Director. Mr. King seconded the motion. The motion carried 6:0.</p>
Announcements	<p>Chair Crowell stated as for the next meeting, he'll leave it up to Staff to find a date that would work for all of the Commissioners. Ms. Omo noted that if the Commissioners agree, she would like to schedule the next meeting sometime in September or October and on a day that works for all of the Commissioners. Mr. King stated late September would work best for him.</p>	
Adjournment	<p>With no further business to conduct, Chair Crowell called for a motion to adjourn the meeting.</p>	<p>Mr. King moved to adjourn the meeting. Ms. Shimamoto seconded the motion. The meeting adjourned at 9:30 a.m.</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Robert Crowell, Chair

- ☒ Approved as circulated on September 20, 2017
() Approved as amended. See minutes of _____ meeting.